THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20380 of 2007

Between:

K.Yesu.

.. PETITIONER

and

The District Panchayat Officer and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20380 of 2007

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ORDER:

It is stated that the petitioner was elected as a Ward Member of 10th Ward of Somavaram Village, Wyra Mandal, Khammam District. While so, the District Panchayat Officer-1st respondent, on a representation made by the 3rd respondent, who is an unsuccessful candidate having contested as Ward Member of 10th Ward, a notice has been issued to the petitioner on 24-08-2007 informing him that his 3rd child was born on 07-08-1998 and, therefore, he has incurred disqualification as per Section 19(3) of A.P.Panchayat Raj Act, 1994 (for short "the Act") and, therefore, the petitioner was disqualified under Section 22(1) of the Act.

I am of the opinion that the District Panchayat Officer is not the competent authority to decide the dispute of disqualification of the petitioner and only the District Court is the competent Authority to decide disqualification of the petitioner under Section 19 (3) of the Act.

Having regard to the facts and circumstances of the case, the impugned notice issued by the District Panchayat Officer-1st respondent on 24-08-2007 is set aside, keeping it open for the 3rd respondent or any other person to apply before the District Court to decide the dispute of disqualification of the petitioner.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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11-10-2007

Note:

Issue C.C. in one week

(B/o)

Prv